

Customer Number: 24498  
Serial Number: 09/603,339  
Office Action dated: January 11, 2006  
Response dated: April 10, 2006

PATENT  
RCA 88,878

Remarks/Arguments

The Final Office Action mailed January 11, 2006 has been received and carefully considered. Applicants respectfully request that the Finality of the Office Action be withdrawn.

Under present practice, second or any subsequent actions on the merits shall be final, except where the Examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c). Emphasis added. MPEP 706.07(a).

The grounds stated for the finality of the now-pending Office Action are that "[a]pplicant's amendment necessitated the new ground(s) of rejection presented in this Office action." Page 6, line 15. Applicants respectfully note that no amendment was made to the application in the last-filed Response and Request for Reconsideration, dated October 13, 2005, nor has any Information Disclosure Statement been filed during the period set forth in 37 CFR 1.97(c). In addition, the present Office Action withdraws all previously pending rejections and presents new grounds for rejection of the claims. Accordingly, Applicants believe that the now-pending Office Action should be made Non-Final.

The present Office Action indicates that the finality of the Office Action of July 13, 2005 has been withdrawn along with the claim rejections included in that Office Action. Applicants thank the Examiner for these actions.

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Claims 1-6, 9-17, 19 and 20 are pending in the application. Claims 1-6, 9-11, 14-17 and 19-20 stand rejected under 35 U.S.C. §102(e) over US patent number 6,580,870 to Kanazawa et al. (*hereinafter* Kanazawa). Claim 12 stands rejected under 35 U.S.C. §103(a) over Kanazawa in view of U.S. Patent Number 6,211,800, to Yanagihara et al. (*hereinafter* Yanagihara). Claim 13 stands rejected over Kanazawa in view of U.S. Patent Number 6,344,836, to Suzuki (*hereinafter* Suzuki). Applicants respectfully traverse the rejections.

The present application relates to a system and method for transmitting, decoding and displaying data channel information in a format that permits enhanced graphics functionality. Included, are a method and apparatus for using DVD sub-picture formatted information within an MPEG data stream to provide data channel information to a receiver.

Claim 1 recites:

A method for providing graphics display, comprising the steps of: receiving a bitstream including an MPEG compliant program bitstream and a DVD subpicture compliant bitstream...wherein the DVD subpicture compliant bitstream comprises an interactive graphic having selectable regions that, when selected, causes the display of other DVD subpicture graphics associated with said subpicture compliant bitstream. Emphasis added.

The Kanazawa reference relates to "a system for reproducing AV information, [such as] a reproducing system having an external access function that acquires related information connected with the reproduced stream information from resources on a computer network," (emphasis added). Column 1, lines 8-12. Kanazawa describes "a reproducing system which reproduces AV information from a storage medium, such as a DVD, and which is capable of not only reproducing normal titles but also easily acquiring

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related information connected with specific stream information from resources on a computer network," (emphasis added). Column 1, line 56-61. Kanazawa further describes "a system which enables DVD video titles to be combined with the Internet ... where DVD video titles are combined with hypermedia contents, such as HTML files, provided on the Internet," (emphasis added). Column 2, lines 2-7.

There is nothing in Kanazawa to suggest, however, that the HTML files received from the internet are DVD subpicture graphics. Consequently, Kanazawa does not teach or suggest "receiving... a DVD subpicture compliant bitstream... wherein the DVD subpicture compliant bitstream comprises an interactive graphic having selectable regions that, when selected, causes the display of other DVD subpicture graphics associated with said subpicture compliant bitstream," as recited in claim 1.

According to Kanazawa, HTML page information may be "cached in a hard disk." Column 15, lines 46-47. However, this does not serve to teach or suggest "an interactive graphic having selectable regions that, when selected, causes the display of other DVD subpicture graphics associated with [the] subpicture compliant bitstream," as recited in claim 1. Nor does the statement that:

[A] plurality of HTML contents may be stored in a DVD media beforehand and the contents be displayed, interlocking with the playback of the DVD video. The function of a WWW browser may be incorporated in the DVD playback control program 116. Instead of the user requesting the display of HTML contents one by one by pressing buttons, all the HTML contents may be displayed automatically, interlocking with the playback of the DVD video. Column 20, lines 18-28.

teach the subject features. To the contrary, the statement that " ... all the HTML contents

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may be displayed automatically, interlocking with the playback of the DVD video," teaches directly away from the claimed invention in which "the DVD subpicture compliant bitstream comprises an interactive graphic having selectable regions that, when selected, causes the display of other DVD subpicture graphics associated with said subpicture compliant bitstream," as recited in claim 1.

For these and other reasons, the Kanazawa reference does not teach or suggest every feature of claim 1. Accordingly, the rejection of claim 1 under 35 USC §102(e) over Kanazawa should be withdrawn.

Claims 2-6 and 9 each depend, directly or indirectly, from claim 1 and incorporate every feature thereof. Accordingly, for at least the reasons given above in relation to claim 1, the rejections of claims 2-6 and 9 under 35 U.S.C. §102(e) over Kanazawa should be withdrawn and allowance of these claims is in order.

Claim 10 recites the features of:

... means for receiving a bitstream comprising a MPEG compliant bitstream and a DVD subpicture compliant bitstream;... wherein the DVD subpicture compliant bitstream comprises an interactive graphic having selectable regions that, when selected, causes the display of other DVD subpicture graphics associated with said subpicture compliant bitstream. Emphasis added.

As discussed above in relation to claim 1, Kanazawa does not teach or suggest "a display processor ... for displaying said output image, wherein the DVD subpicture compliant bitstream comprises an interactive graphic having selectable regions that, when selected, causes the display of other DVD subpicture graphics associated with said subpicture compliant bitstream," as recited in claim 10. As such, the rejection of claim 10

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under 35 USC §102(e) over Kanazawa should be withdrawn.

Claims 11 and 14-17 ultimately depend from, and incorporate the features of, claim 10. Accordingly, for the reasons given above in relation to claim 10, the rejections of claims 11 and 14-17 under 35 USC §102(e) should also be withdrawn.

Claims 19 and 20 include the pertinent features of claim 1. Consequently, claims 19 and 20 are believed to also be allowable for at least the reasons provided above in relation to claim 1. Accordingly, the rejection of claims 19 and 20 under 35 USC §102 (e) over Kanazawa is requested to be withdrawn.

Claims 12 and 13 each depend indirectly from claim 10. Accordingly, each of claims 12 and 13 incorporate every feature of claim 10. As demonstrated above, the Kanazawa reference does not teach every feature of claim 10. Consequently, for at least the reasons given above in relation to claim 10, the rejections of claims 12 and 13 under 35 USC §103(a) over Kanazawa in view of Yanagihara and Suzuki respectively should be withdrawn.

Having fully addressed the pending rejections it is believed that this application stands in condition for allowance. Accordingly then, reconsideration and allowance are earnestly solicited.

No extension of time is believed to be required. Nevertheless, the Commissioner is hereby petitioned, under 37 C.F.R. § 1.136 (a), to extend the time for filing a response to an outstanding Office Action, or any communication filed in this application by this firm, by the number of months which will avoid abandonment under 37 C.F.R. § 1.135.

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If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (609) 734-6440 in Princeton, NJ. The Commissioner is hereby also authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this company) to Deposit Account No. 07-0832 of Thompson Licensing, Inc. under Order No. RCA 88,878.

Dated: April 10, 2006

Respectfully submitted,

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Patent Operations

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